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track which is partially juxtaposed with the seal and partially not operatively juxtaposed with the seal. The seal and the track are radially separated from each other. The seal is activated by the manipulation of the slider.

35 USC §102 Rejection:

Applicants have amended claim 1 to limit the claimed invention to a container having a track and a seal radially spaced from each other. The Examiner states that the track and seal in the Hupp et al. ('687) reference are axially, rather than radially, spaced apart. The amendment should overcome the 102(e) rejection in view of Hupp.

Schick et al (EPO 665,170 A1) does not teach or suggest all of the claimed elements of the invention. Specifically, Schick does not teach or suggest an auxiliary track which is not juxtaposed with the seal of the container. Schick teaches that the slide is supported by slots 17 and elements 19 all of which are operatively juxtaposed with the seal of the lid of Schick. Applicants respectfully request that the rejection under 35 USC §102(b) over Schick be withdrawn.

Applicants have amended Claim 1 to require that the manipulation of the slider activate the seal of the invention. The seal of Schmaling is activated by closing the cover (page 6, lines 20-23). The zipper, or zippers of the Schmaling reference serve to enclose the container within the cover and do not activate the seal of the container. The seal of the present invention is activated by the manipulation of the slider. Therefore, Schmaling does not teach or suggest all of the limitation of amended Claim 1 of the invention.

35 USC §112 Rejection:

Applicants have amended the claims in light of the Examiner's 35 USC §112 rejections. The misspelling of "perimeter" has been corrected. The phrase "said perimeter" has been replaced with "said aperture perimeter" for which proper antecedent basis is present.

Objection to Specification

The Examiner has objected to the specification stating that the specification does not support the phrase "said seal congruent for a sector of said perimeter and being spaced apart from said perimeter at a point circumferentially displaced from said sector." Applicants have amended Claim 2, removing the unsupported language and replacing it with language found at Page 3, lines 1-20. Applicants request that this objection be withdrawn.

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Conclusion

In light of the amendments to the claims and the above remarks, it is requested that the Examiner reconsider and withdraw the objection to the specification and the rejections under 35 U.S.C. § 112, second paragraph, under 35 U.S.C. §102(b), with respect to pending Claims 1-10. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

1. (Twice Amended) A container comprising a container body having an aperture [with a] having an aperture perimeter therearound, a cover having a perimeter therearound which corresponds to the perimeter [perimeter] around the aperture of the body, a seal at least partially juxtaposed to said aperture perimeter, and a slider; said container closable with the cover and at least partially sealable therearound with the seal, the slider structured such that the manipulation of the slider fully activates the seal,
said container further comprising a track juxtaposed to, but being radially spaced apart from said seal, whereby said slider is movable in the track
said track comprising an auxiliary track not operatively juxtaposed with the seal.
2. (Twice Amended) A container according to Claim 1 said container being openable or closable with the slider movable along the track, whereby said slider applies or releases a seal as said slider moves along said track, said track and said seal being congruent for a sector of said aperture perimeter and being spaced apart from [said perimeter] each other at a point circumferentially displaced from said sector.
3. (Amended) A container according to Claim 1, sealable around said entire aperture perimeter.